

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 17, 2009 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Lynda Berry	Commissioner
	Deon Dunn	Commissioner
	Roger Handy	Commissioner
	Eve Jones	Alternate Commissioner
ALSO PRESENT:	Jared Johnson	Community Development Manager
	Mark Bradley	City Planner
	Eliza McGaha	Secretary
EXCUSED:	Ruth Jensen	City Council Liaison
	Paul Fowler	Commissioner
	Larry Jensen	Alternate Commissioner

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

APPLICATION #3100 / ANNEXATION POLICY PLAN / BRIGHAM CITY CORPORATION

PUBLIC HEARING ² / APPLICATION #3097 / UPDATE OF CHAPTER 29.12 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS / BRIGHAM CITY CORPORATION

DISCUSSION:

REGULAR MEETING:

Joan Peterson opened the regular meeting at 6:33 p.m. Eve Jones led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

MOTION: A motion was made by Roger Handy to approve the February 03, 2009 regular meeting minutes. The motion was seconded by Barbara Poelman and passed unanimously.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

There was no public comment.

APPLICATION #3100 / ANNEXATION POLICY PLAN / BRIGHAM CITY CORPORATION:

Mr. Johnson explained that this public meeting was for the Planning Commission to receive and consider comment that would be proper to install into the Brigham City Annexation Policy Plan. At this time the request is to amend the policy plan in the northwest corner of Brigham City. He pointed out the area on a map and also showed the overlap with Corinne City. Mr. Johnson said they had met with the Mayors of the surrounding communities to let them know of the City's efforts and what is being proposed. At the time of this meeting, no written comment had been received. State Law allows the policy plans to overlap but not corporate limits. The policy plan allows a city to consider annexing those who request it. Those requesting annexation would be responsible for the accompanying taxes and impact fees.

Mr. Johnson pointed out the current overlap area in Mantua. He explained that the overlap came about by an individual who owns a large portion of property in that area who requested the City to annex so he could do a very high-end residential development. Mantua protested it at that time and they also do not have the facilities or the ability to service something like that but Brigham City does. There is a home in that area which is in unincorporated Box Elder County. Wellsville was notified because their policy plan comes close to Brigham City's. State Law does allow a municipality to annex land in another county.

Mr. Johnson pointed out a correction on the map showing the original intent for the west boundary which was to follow the Bear River; a good natural geographic boundary. The current boundary does not follow the river and he said no one was sure why it was not done. It is also being requested that the line be modified which will cause some ground to be lost in some areas but gained in others. Essentially, when the policy plan is finished it will reflect the flow of the Bear River present as of 2009. No one is laying claim to that area so there is no one that will be affected by modifying that line. Brigham City's plan boundary meets up with the Honeyville boundary and there is a gap between the Brigham City and the Bear River City boundary.

Mr. Johnson explained that it was a surprise to the City when the Corinne boundary map was received and showed their map going all the way to I-15 of which the City was unaware. He talked to Paul Larsen, Economic Development Director who was the one that did the policy plan back in 2002. Mr. Johnson said he was not sure when it was amended and technically the City could challenge that for failure of noticing because Corinne is within a half mile of the Brigham City corporate limit. What it comes down to is that the property owners have the right to petition either city to annex. Any petitions for annexation in that area could be challenged based on reasons such as the improper noticing. Islands and peninsulas cannot be created and the city has to show that they can service the area. Brigham City has the ability to service large areas and most other surrounding communities do not, usually regarding water. Municipalities have the right to challenge requests for annexation into Brigham City but they would have to prove that they can provide services more effectively than Brigham City can.

Using the map Mr. Johnson showed where the water and sewer pipelines run from Brigham City to the P&G site. The Brigham City Council passed an ordinance requiring anyone wanting to attach to that water/sewer line to annex into Brigham City corporate limits in order to do so. The other surrounding municipalities are getting water connections off that pipeline for emergency water in the event they lose their water flow; if that happens, a valve can be opened and we can supply them with water.

Mr. Johnson stated that the document is a working document that is going to change. Written comment will still be received after this meeting until February 27, 2009 at 5:00 p.m. On March 03, 2009 all comments that have been received in writing will be reviewed with the Planning Commission and if

there are any comments that are felt to be appropriate they can be added into the plan. On March 17, 2009 the public hearing will be held and at that time the Commission will receive the policy plan, for the most part, in its final state.

Ms. Poelman pointed out a minor grammatical error in the document. On the top of page 17 toward the end of number three the word 'supplies' should be changed to 'supplied'.

PUBLIC HEARING ² / APPLICATION #3097 / UPDATE OF CHAPTER 29.12 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS / BRIGHAM CITY CORPORATION:

This item was directed by the Commission to have Staff prepare an amendment to this chapter to include a provision for a minimum standard for recreation area which has been included as 29.12.120 Special Provisions. Mr. Bradley reviewed the changes and read the additions that had been made to the document.

Concerning green space area requirements for three or more dwelling units, Mr. Bradley explained that he had taken the language for that standard from a city whose standard was five or more units. Three is a good adjustment from a twin-home on a single parcel of land to a triplex on a single parcel of land. He said that number could vary depending upon what is felt to be appropriate for this community. The number of units for this requirement had not been previously discussed by the Planning Commission. Mr. Bradley explained that in his personal experience in dealing with development in a fast growing community there were a lot of 4-plexes that did not provide usable recreation area. A twin-home can typically be used like a single family home. The transition to a triplex often has more volume and requires more parking. Mr. Handy asked Mr. Bradley if he thought there would be any meaningful resistance from this with the development community and if this would be requiring something that is not normally included in plans. Mr. Bradley replied that he did not. Providing usable recreation area in the form of a basketball or tennis court, or a club house would meet the minimum standard and open green space would not need to be provided. Ms. Peterson commented that three units was a good place to start to get ahead of it and make sure there is open space and adequate recreational space.

Mr. Bradley continued to review the document and gave a visual presentation showing examples of different developments in town and the provided and required landscaping. Most of the Staff comments had been incorporated into the document and some have not. One of the comments was a concern about the strength of vinyl fencing which is not as strong as a solid fence. Chain-link fences are stronger than vinyl and there is a new slat that is being used that provides more durability and privacy. Mr. Bradley said he was concerned about allowing slatted chain-link fences in a residential neighborhood between multifamily and single family. Mr. Bradley commented that the Leisure Services Director said requiring specific trees would not be an appropriate request because of the types of soils and that the developer should be allowed options. Ms. Jones suggested that paths that border a parking lot or a building should not be counted toward the requirements.

MOTION: A motion was made by Barbara Poelman to open the public hearing for application #3097. The motion was seconded by Eve Jones and passed unanimously.

Karla McArthur came forward and stated that she would like the Commission to consider the slope. She gave an example of the Chad Thompson development in that the degree of the slope is so bad it will not be a good play area. The green space provided is very bad and is not a very good area for a child to play without falling down the hill. She asked they make sure that when green space is allowed that some type of grade is considered. She said they had an issue with vinyl fencing with the Thompson development because they had heard about a car going through that type of fence and they felt it needed to be more than a vinyl fence. It is now being found that there are a lot of problems with vinyl fencing. She said they were glad Mr. Thompson was going to go use a tan fence because the white is so reflective. Ms. McArthur said if in a parking lot cars would be facing toward a fence with an

individual home on the other side, a vinyl fence should not be considered sufficient. In their case, the fence separating the parking lot from their property is vinyl and her concern is that it would not be sufficient to stop a car from driving through it and possibly causing harm. She said something more than a vinyl fence should be considered when that fence separates something like a home and a parking lot.

Ms. McArthur said she would like to know what the percentage was of those who have gone over and exceeded the amount of what they would need to require for green space. She said she was in favor of raising that number from 200 rather than allowing a developer to choose the lesser standard. Concerning the parking lot, she commented they thought the Thompson development would have to have 5-feet of grass between the buildings and the interior sidewalks which is how they interpreted the code. Ms. McArthur said they had been told that they had misinterpreted the code which required grass only on the perimeter of the property. They thought there was an area there that should have had grass and then a sidewalk but the sidewalk is right next to the building. She said she thought it should be how they had interpreted it in that all sidewalks, even around a parking lot, need to have grass between them and a building which would give more green space.

MOTION: A motion was made by Barbara Poelman to close the public hearing for application #3097. The motion was seconded by Deon Dunn and passed unanimously.

Ms. Jones asked if wood and vinyl would be considered solid fencing. Mr. Bradley replied that they would be considered solid. Ms. Jones said Ms. McArthur had a good point about the solidity of a vinyl fence and that wood is much stronger. Ms. Berry commented that wood requires a lot of maintenance and it deteriorates. Ms. Poelman asked if cinderblock or precast type of cement fencing was what was meant by solid fence and if they were stronger than others. In circumstances where there is a parking lot next to a play area she asked if it should be required to have that type of fencing for that specific area. Mr. Bradley said they are looking at increasing the minimum standard to 10-feet between the landscaping and other uses to create a buffer. Ms. Jones suggested that vinyl fencing be classified as not being a solid fence for the purpose of that section. Other methods of buffering were considered such as berms and boulders. Mr. Bradley said the purpose of buffering is often to screen the lighting between uses. He said if there is a 10-foot landscape area with trees and shrubs it will help with the buffering.

Mr. Handy commented that it seemed they were trying to change the definition of what they want a fence to do when primarily a fence is for the purpose of providing privacy to the neighbors and now it seemed to be turning into a safety issue. He said he did not think they should get sidetracked into thinking a fence could do everything and change the rules so that it will do everything. He said he felt they would meet a lot of resistance if that is done and he was not sure it would be necessary as long as there is the spacing, curb and gutter, and vegetation. There was concern about getting too involved with the design of a project. Ms. Berry suggested that mention should be made about retention basins that are used as part of the recreational area and that they cannot be so deep that it would be unsafe. Mr. Bradley will gather more information on slopes, wording on pathways, and what can be counted for usable recreation area. He will also do some research on the options for fencing.

MOTION: A motion was made by Barbara Poelman to continue application #3097 to the March 03, 2009 meeting with Mr. Bradley looking into the various points that had been brought up this evening. The motion was seconded by Lynda Berry and passed unanimously.

DISCUSSION:

Ms. Poelman asked what the City's position is on a situation such as the Thompson development where Mr. Thompson said that economically he had to have the five units but it was known that four

units would have worked well; would the City want the application to go through so the City could have the tax base or if there was something that could have precluded that situation. Mr. Bradley said some communities require a certain percentage of landscaping on a project but they need to be careful that they do not choke out a project being built. Mr. Bradley said he would see what he could provide in response to that question.

MOTION: A motion was made by Roger Handy to adjourn. The motion was seconded by Lynda Berry and passed unanimously.

The meeting adjourned at 7:58 p.m.

This certifies that the regular meeting minutes of February 17, 2009 are a true and accurate copy as approved by the Planning Commission on March 03, 2009.

Signed: _____

Jeffery R. Leishman, Secretary